

January 26, 1999



OFFICE OF THE  
ATTORNEY GENERAL  
STATE OF TEXAS

— ★ —

JOHN CORNYN  
Attorney General

— ★ —

P.O. Box 12548  
Austin, Texas  
78711-2548  
  
(512) 463-2100  
www.oag.state.tx.us

Mr. Michael Hull  
First Assistant County Attorney  
Harris County  
1019 Congress Avenue, 15<sup>th</sup> Floor  
Houston, Texas 77002-1700

OR99-0235

Dear Mr. Hull:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 121816.

The Harris County Constable's Department (the "department") received an open records request for copies of call slips for police-reports and details of any reports created in connection with particular offenses. You have submitted information which you contend is responsive to the request. You state that the first page of the offense report will be released or has been released to the requestor. However, you assert that the remaining submitted information may be withheld from disclosure pursuant to section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108 of the Government Code excepts from required public disclosure in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication; or

...

(c) This section does not except from [public disclosure] information that is basic information about an arrested person, an arrest, or a crime.

You have informed us that some of the records at issue pertain to a pending criminal prosecution. Thus, we conclude that you have met your burden of establishing that the release of these records at this time could interfere with law enforcement or prosecution. You have also informed us that some of the records at issue pertain to information that deals with the prosecution of a crime only in relation to an investigation that did not result in conviction or deferred adjudication, and we conclude that you have met your burden. You therefore may withhold these records at this time pursuant to section 552.108.

Section 552.108 does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). This office considers such basic information to encompass the front page offense report information the court held to be public in *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). The department must release these types of information in accordance with *Houston Chronicle*.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

*David Van Brunt Price*  
David Van Brunt Price  
Assistant Attorney General  
Open Records Division

DVP\nc

Ref: ID# 121816

Enclosures: Submitted documents

cc: Ms. Shelia Kimmey  
6944 Foxwaitlie  
Humble, Texas 77338  
(w/o enclosures)